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Commissioner for Patents
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Steven L. Oberholtzer
Registration No. 30,670

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Signature

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Our Case No. 10546/109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL J. BORRELLI

Serial No. 10/764,316

Filing Date: January 23, 2004

For METHODS AND COMPOSITIONS
FOR HEAT ACTIVATED GENE
THERAPY USING CYTOLETHAL
DISTENDING TOXIN

Examiner: Kimberly Chong

Group Art Unit No.: 1635

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action dated May 2, 2006, Applicant has timely filed this Amendment and Response by Certificate of Mailing. Applicant elects Group III, claims

2-13, and further elects viral vectors from Group III, with traverse of the restriction requirements of Groups I-V. With regard to Species election, applicant elects adenovirus, as specified on page 8 of this Amendment and Response.

Amendments to the claims are reflected in the listing of claims which begins of page 3 of this paper.

Remarks begin on page 9 of this paper.